



## *City of Miami Springs, Florida*

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, March 23, 2009, at 7:00 p.m.

### **1. Call to Order/Roll Call**

The meeting was called to order at 7:02 p.m.

The following were present:

Mayor Billy Bain  
Vice Mayor Rob Youngs  
Councilman Bob Best  
Councilman Paul C. Dotson  
Councilman Xavier Garcia

Also Present:

City Manager James R. Borgmann  
Assistant City Manager Ronald K. Gorland  
City Attorney Jan K. Seiden  
Chief of Police Peter G. Baan  
Finance Director Leacroft E. Robinson  
Public Works Director Robert T. Williams  
City Planner Richard E. Ventura  
City Clerk Magalí Valls

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City Planner Richard Ventura announced that Agenda Items 7B and 7C are public hearings for the Public Education Facilities Element and Water Supply Facilities Work Plan. The Florida Department of Community Affairs is making available updates and anyone wishing to receive information from Tallahassee concerning the progress on each of these two items can print their name and mailing address on the clipboard on the back table in the room.

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**2. Invocation:** Councilman Bob Best offered the invocation.

**Salute to the Flag:** The audience participated.

**3. Awards & Presentations:**

**3A) Presentation of Medal of Valor to Officer Gonzalo García and Officer Jorge V. Pacheco**

Chief of Police Peter G. Baan stated that it was his privilege to recognize Officer Gonzalo Garcia and Officer Jorge V. Pacheco, two of Miami Springs finest with the highest award the Police Department can bestow, the Medal of Valor. He asked Sergeant Claire Gurney-Moore to present the awards.

Sergeant Gurney-Moore explained that at 5:40 a.m. on Saturday, February 13, 2009, Miami Springs Police Dispatcher Pichirilo received a call that a female was trapped inside her vehicle after it plunged into the canal on South Esplanade Drive. Officers Arizari and Pacheco located the vehicle, which was almost completely submerged with the victim still inside. Officers Raymond Buckner, Gonzalo Garcia and herself arrived immediately after, and Officer Pacheco began removing his equipment before entering the canal and assisting the victim. Officer Buckner provided him with a center punch tool to aid in breaking the car window. Officer Garcia also entered the water; Officer Pacheco was able to break the window, and both officers were able to extract the victim from the vehicle. The woman was conscious and able to tell the Officers that she had not received any injuries. Miami-Dade Fire Department Fire Rescue 35 and Engine 35 arrived on the scene and assisted in getting the officers and the victim out of the canal. The victim was treated and released at the scene in good condition.

Sergeant Gurney-Moore noted that the fundamental duty of a police officer is to serve mankind and save their lives. In their efforts to save this woman's life, Officers Pacheco and Garcia took these fundamental duties to a higher level. Both officers entered the canal without regard to their own personal well-being; they were completely selfless in their actions, as their only thoughts were of the victim. It should be noted that an 8-9' alligator was seen in that same canal several days prior to this event.

Sergeant Gurney-Moore credited the quick actions and responses of Officers Garcia and Pacheco for saving a life. The bravery and courage displayed by these two officers exemplifies the true meaning of a hero. It is with great pride and pleasure that she has the opportunity to nominate these fine gentlemen for the Medal of Valor, the highest honor the department can bestow.

The officers received a standing ovation and heavy applause from the Council members and the audience.

Mayor Billy Bain asked that the inscription on the plaques be read aloud.

Officer Pacheco read his plaque and he introduced his wife Lourdes Pacheco, his parents Jorge and Judy Pacheco and his youngest brother, Gabriel Pacheco.

Officer Garcia introduced his wife, son, mother and his step-father.

Mayor Bain congratulated and thanked both officers.

Officer Garcia thanked all the members of the shift on duty that night because it was a team effort.

*(Agenda Item 4 – Open Forum was heard at this time)*

**3B) Presentation by the Department of Environmental Resources Management (DERM) Regarding Pollution Sites in the Proposed Annexation Area**

City Manager Borgmann introduced Donna Gordon from the Department of Environmental Resources Department Management (DERM).

Ms. Donna Gordon, Manager of the Enforcement Section of DERM introduced Tom Cook who is with the Pollution Control division. She said that they would provide an overview of their duties and the sites within a specific area that are of interest to the City.

Ms. Gordon explained that DERM is a local environmental agency responsible for the protection of the air and water quality in Miami-Dade County. They are able to accomplish this by enforcing Chapter 24, which is the local environmental protection ordinance. This ordinance lays out the rules for permitting sites that are a potential source of pollution within the County; inspections are performed on those sites to ensure that they are abiding by the standards and requirements of Chapter 24. In addition, they respond to numerous citizens' complaints pertaining to environmental violations on a daily basis. They are also able to enforce other federal and state regulations through site inspections.

Ms. Gordon said that DERM received a request from City Manager Borgmann regarding the sites within a specific area of N. W. 36<sup>th</sup> Street and N. W. 74<sup>th</sup> Street, between the Palmetto Expressway and Ludlam Drive. An environmental search for that specific area revealed that there are approximately 27 sites that are under some type of departmental action, including enforcement, review for cleanup assessment or remedial action. The majority of the sites involved some type of contamination and some were permit related violations, but most were in various stages of enforcement action.

Ms. Gordon pointed out that the Department had cited the owners or operators of those sites. Chapter 24 carries provisions that state that anyone with a legal, equitable or beneficial interest in a property is liable for the contamination or the violation regardless of fault or knowledge. If the City is not the owner of the property, they will not be directing their actions to the City.

Mr. Cook stated that as a professional geologist, he had worked with the contaminated sites within the County. The agency was asked to research some sites within a specific area that the City is interested in annexing and twenty-seven sites were found to be under some form of environmental action with the Department. Approximately nineteen of those sites contain environmental contamination and it is the responsibility of the property owner to manage the cleanup.

Mr. Cook stated that within those twenty-seven sites there were different programs that were available. Nine of those sites are in state clean-up programs, meaning that the state has funds available for clean up. When those sites are ranked and prioritized, the worst ranked sites are cleaned and less sensitive sites will be funded in the future. The remaining sites are the responsibility of the property owner to clean up and DERM is currently pursuing action to that end. He noted that with the exception of three sites, all the others are current with their cleanup and are being tracked and managed. Documentation is pending for three sites that were added in the last month or so.

Mr. Cook confirmed that there is one super-fund site that is within the annexation area. The site recently had a 5-year review by the Environmental Protection Agency (EPA) in 2008, and is currently being addressed. At this point, they will introduce the sites and answer any questions that the Council, Administration or the audience might have.

Councilman Dotson asked if Miami Springs were to annex the land would DERM continue to handle the responsibility of monitoring the pollution sites.

Mr. Cook replied that DERM is the government agency responsible for the environmental regulations and the oversight of the cleanup. It is the responsibility of the property owners to hire the environmental consultants to do the cleanup; however, the consultant is required to submit the reports to DERM for review and ensure that they are meeting the requirements of Chapter 24.

In response to Councilman Dotson's question, Ms. Gordon said that there had been instances where the agency was not able to find the owner of a property. The Miami Drum site was one in which the County had to step in and provide the funds for clean up and the agency was subsequently reimbursed by the EPA. In general, they are able to identify the responsible parties and make them take corrective action.

Ms. Gordon explained that DERM has a progressive enforcement process in terms of enforcement actions. They generally notify the property owner or operator of the violation and give them time to comply. If they fail to do so, there are other actions that can be taken, which include a final notice prior to court action, etc. The case is then referred to a County Attorney's office and a lawsuit is filed. The goal is to always get compliance and corrective action.

Councilman Dotson asked if the area in question could be compared to one of a similar size and how it would compare to the number of pollution sites.

Mr. Cook said that the higher industrialized areas tend to have more contaminated sites versus the residential sites because of the types of facilities they contain. This area seems to be zoned a mix of commercial and industrial and he does not know the size of the area in terms of square miles, only that approximately nineteen sites had been identified.

Councilman Best asked if either representative had been aware of a situation in which a municipality had been charged with the task of a cleanup.

Ms. Gordon replied that there had been instances throughout the County in which a city may have had a fleet management facility or similar operation cited for waste discharges to open ground or storm drains, and the agency had directed cleanup requirements.

City Manager Borgmann and Vice Mayor Youngs clarified that Ms. Gordon was referring to a city-owned and operated facility.

Ms. Gordon had not seen a situation where action was directed to a city because of annexation.

Vice Mayor Youngs commented that there were residents who were interested in learning more about these particular sites. He asked if they could access the information from DERM or the website.

Ms. Gordon explained that DERM has a Records Management section and anyone can request records for any of the site reports from that department. The general phone number for DERM is 305.372.6789 and some records are available online.

Councilman Dotson noted that reports were received from individuals who were interested in correcting environmental problems and the concern is that the water table under the site is polluted, and it is moving eastward towards the ocean. He said that there is a storm drainage problem in that area, which makes him wonder if there was danger of subterranean pollution coming up during periods of high water.

Mr. Cook said that regional issues with contamination exist for various regions in some form. Without having a specific background study of the area they would not be able to determine if there is a regional background concentration of contaminants above what is naturally occurring. The agency looks at each site on an individual basis. The nineteen sites he mentioned earlier are each required to install ground water sampling wells and soil sampling points to establish the extent of contamination on their property. If that contamination extends beyond the property, they are required to continue the assessment until they find the end point. If they go off site and cannot find the end point and continue to find contamination, they have the option to try to establish whether or not there are regional backgrounds.

Ms. Gordon said that DERM has an environmental status review process and anyone who is trying to acquire property in Miami-Dade County is encouraged to go through that process or a Phase I or Phase II audit to determine what is on that property before acquisition. There might have been a former solid waste landfill or industrial facility that may have generated contaminants.

In response to Vice Mayor Youngs' question, Ms. Gordon advised that the City could request this review in the event it planned to install a motor pool or some other facility at a particular site. The report would contain information for up to 35 different programs within DERM addressing environmental concerns, and the fee is \$850 per folio.

City Attorney Seiden advised Council and the Administration that requesting this report should be part of the due diligence for anyone buying real property in South Florida. They may have to go as far as hiring a private firm to perform a Phase I review or even a Phase II, depending on the result of the first review.

City Manager Borgmann noted that the City requested those reviews when it purchased the Golf Course.

Mr. Cook clarified that the department keeps records of files that have been submitted and presented, as well as information that the department has documented through various inspections. Typically, when there is a property transaction, the proper procedure for due diligence would suggest a Phase I or Phase II environmental assessment. He explained that Phase I is record search that traces the history of the property ownership, which would flag potential issues, for example, the site may have been a dry cleaners back in the 60's. That should flag an investigation that would lead to the Phase II study, which is the actual environmental sampling study.

Mayor Bain and the Council members thanked Ms. Gordon and Mr. Cook for their presentation.

### **3C) Presentation of the Comprehensive Annual Financial Report (C.A.F.R.) for Fiscal Year Ending September 30, 2008**

Finance Director Leacroft E. Robinson stated that Néstor Caballero from the City's auditing firm would present the audited Comprehensive Annual Financial Report (C.A.F.R.) and the Financial Condition Assessment that is required by the State.

Néstor Caballero, partner with Alberni, Caballero & Castellanos, presented the City's Comprehensive Annual Financial Report for the Fiscal Year ended September 30, 2008, as well as the Golf Course Special Purpose Financial Statements for Fiscal Years ended 2008 and 2007.

Mr. Caballero thanked the City Administration and the Finance Department for their cooperation in providing the information necessary to conduct the audits. He pointed out that the financial statements also include the award for Excellence in Financial Reporting for the 2007 C.A.F.R.

Mr. Caballero explained that the audit was performed under government auditing standards as required. There were two new reporting standards implemented; one standard added a liability to the books, which was for other post-employment benefits. The financial statements also include the sale of the Water and Sewer systems, as well as the reporting of the sale.

The Management's Discussion and Analysis gives an overview of the entire financial statement, including comparative numbers from one year to the next, according to Mr. Caballero. The Independent Auditors' Report is an unqualified, clean report on the audited financial statements for the year ended September 30, 2008. The government wide financial statements and the fund financial statements are based on full accrual and modified accrual. The difference between the two statements is long term assets and liabilities.

The Statement of Net Assets separates the governmental activities and business-type activities. The business-type activities are for the three enterprise funds, which are the Water and Sewer, Sanitation and Stormwater funds. There is \$12.7MM cash in the governmental funds of which approximately \$7.3MM is unrestricted and \$5.3MM is restricted. The restricted cash includes the proceeds of the loan that were received at year end, forfeiture funds and the Local Option Gas Tax funds.

Changes from the prior year include increases in unrestricted cash of approximately \$1.5MM, which is basically the result of this year's operations. The unrestricted net assets also increased, which means that the financial position of the City increased from the prior year for the governmental funds. Restricted cash also increased, along with the increase in debt as of September 2008.

Mr. Caballero explained that the new reporting standard for other post-employment benefits (OPEB) is a new liability on the books. This is basically the liability for the City's portion of the benefit that is promised to the retirees, other than pension, which is for the health insurance coverage benefit. This liability totals \$91,000 and is separated into \$74,449 for governmental and \$16,851 for business-type activities.

The Statement of Activities is the income statement for the year. Under governmental activities there was a change in net assets of \$1.5MM, which was the excess of revenues over expenditures, which increased the unrestricted net assets. Revenues decreased by approximately \$300,000 for the year, mainly due to the decrease in the millage rate, which was offset by increases in property tax values and some decreases in investment income. Expenditures decreased largely due to a decrease in the amount of transfers to solid waste and the lack of hurricane related costs.

Mr. Caballero reviewed the Balance Sheet for the Governmental Funds, including the General Fund, Road and Transportation Fund and the Golf Course Fund and Other Governmental Funds. The Statement of Revenue and Expenditures show the inflow and outflow for the major funds. The General Fund decreased in revenue by \$240,000; expenditures increased by approximately \$180,000, which is mainly due to salary increases and capital projects.

Other Financing Sources include issuance of debt, transfers in and transfers out. The issuance of debt in the other governmental funds totals \$2.5MM; transfers in totaling \$584,000 were administrative costs for the enterprise funds and transfers out decreased by \$131,000. Overall, the net change in the fund balance is \$1MM. The \$305,000 excess in the Road and Transportation Fund goes into restricted cash. The change in fund balance for the other governmental funds totals \$2.8MM because the proceeds from debt are treated as revenue.

The Statement of Net Assets for the Proprietary Funds shows the assets, liabilities and net assets for the enterprise funds. The Water and Sewer Fund has the largest change due to the transfer of the water and sewer operation, which affected all the accounts and there is \$1.3MM remaining in the fund. The Sanitation Fund shows a positive unrestricted net asset of \$184,000 due to the rate increase and the Stormwater Fund remains consistent with the prior year.

Water and Sewer revenues and expenditures decreased because there were only eleven months of operation compared to twelve months. There was a loss on disposal of capital assets totaling \$1.7MM due to the transfer of the system.

Mr. Caballero explained there was positive operating income for the Water and Sewer, Sanitation and Stormwater Funds. The Sanitation Fund had an operating loss in the prior year and the positive number is a direct result of the increase in fees.

To answer Councilman Dotson's question, Mr. Caballero said that the deficits in the Sanitation Fund kept the prior financial ratings low and the positive operating income should help to improve the rating.

City Manager Borgmann said that the subsidies from the General Fund for Water and Sewer, Sanitation and the Golf Course were the three items that were always an issue for bond raters.

Mr. Caballero said that major drains on the General Fund were removed, with the exception of the Golf Course. The OPEB liability could affect the ratings, it is very low because the retirees pay for their own insurance premiums, but there is an implicit cost because it results in increased costs for the insurance pool. This could have a negative effect on the ratings depending on how much the liability grows.

To answer Councilman Dotson's question, Mr. Caballero said that the liability is established by actuaries. The net pension asset on the books of \$136,000 less the OPEB liability of \$91,000 is an offset. Actuary reports are required for the pension plans and the OPEB liability on an annual basis.

Mr. Caballero stated that the new reporting standard for the pension plan is the Funded Status and Funding Progress of the plan. This was previously reported as supplementary information and the information is now required in the footnotes to let the public know the funding status of their plans. He pointed out that the City's pension plans are very well funded.



Other Post-Employment Benefits Other Than Pensions are outlined in the report, including the plan description, benefits and also how the liability is calculated. The unfunded liability is \$1.4MM, which is the cost of future promises, which must be tracked.

Mr. Caballero referred to the General Fund Budgetary Comparison Schedule showing an excess of \$1.3MM, with several departments over budget. The Golf Course Fund was over budget by \$95,000 due to \$86,833 for Capital Outlay.

Non-major Governmental Funds are explained in detail. The Law Enforcement Trust Fund has assets totaling \$1,012,206, which is restricted for public safety use. Capital Projects totals \$2.4MM which is for debt proceeds and the Hurricane Fund reflects cash totaling \$1,005,599, which is restricted pending the outcome of the BFI litigation and FEMA must close the project before the funds are released. The City can release the funds to the General Fund or keep them as part of the Hurricane Contingency.

The Statistical Section of the report includes required supplemental data and statistics that are made available for the public as part of the C.A.F.R., according to Mr. Caballero. The report on government auditing standards has no findings to report, but it does include recommendations. The Management Letter reports that they have performed the Financial Condition Assessment, which was favorable.

Mr. Caballero explained that the current year recommendation is for the City to update the Accounting Procedures Manual, especially with the sale of the Water and Sewer and the restructuring of the Finance Department. It is also noted that other departments have procedures that are not documented in the manual. He stated that the follow up on the status of prior year recommendations refers to the Golf Course operation and its continued losses.

### **3D) Presentation of Audited Golf Course Financial Statements for Fiscal Year Ending September 30, 2008**

Mr. Caballero stated that last year a decision was made to prepare separate financial statements for the Golf Course in order to be able to track those numbers. This is the first year the report includes comparatives showing the changes from one year to the next. Since the Golf Course is not being reported as a government fund the assets were getting lost with the general fixed assets and the separate reporting will reflect the changes in those assets.

Mr. Caballero referred to the Statements of Net Assets for September 30, 2008 and 2007. There was a decrease in the capital assets of about \$200,000 because there is more cash, which is offset by an increase in accounts payable. Liabilities increased because of the new capital lease that was issued during the year. The total net assets are reported as invested in capital assets; last year there was still a deficit of \$15,000 and the transfer was increased to cover last year's deficit.

The Statement of Activities is based on full accrual because it includes depreciation and interest expenses, according to Mr. Caballero. Revenues and expenditures increased resulting in a deficiency last year on full accrual of \$326,000 compared to \$400,000 for 2008. Total transfers for 2007 were \$107,778 compared to \$214,079 for 2008. The 2008 transfer totaling \$214,079 included \$15,000 to cover last year's deficit in order to bring the balance to zero. There should always be a zero balance unless the fund begins to make a profit. Under full accrual, there was a loss for 2008 of \$186,881 compared to \$219,158 for 2007.

The Balance Sheet on page ten of the report reflects the long-term assets and liabilities and the main change from the prior year is that there is more cash offset by more accounts payables. The Fund financial statement on modified accrual matches more closely with budget reporting. Revenues increased and expenditures increased by approximately \$120,000. Issuance of debt includes capital liabilities and leases that were issued for capital equipment as well as transfers in to cover losses for the current year. Overall, the transfer was approximately \$199,000, according to Mr. Caballero.

The footnotes break out the fixed assets that rolled forward and the debt in more detail, including activity for both years. The Budgetary Comparison Schedule on page 19 compares the budget versus actual, which shows a negative variance of \$95,000, mainly due to the capital lease of \$86,000.

Expenditures by department are broken down on page 22 and 23 of the report, including a comparison between last year and this year. Mr. Caballero pointed out the decrease in regular salaries and the increase in contractual services.

Vice Mayor Youngs asked if there were other items included in contractual services other than the outsourcing of the maintenance service.

Mr. Caballero responded that there were many factors involved in contracting out the services and there were discussions about what could be done to reduce costs. It was expected that the decrease in salaries would offset the increase in contractual services, but this did not happen.

Mr. Caballero hopes to complete next year's audit in January or February. This year there were many issues that closed in September, including the transfer of the Water and Sewer and the debt issue, which pushed the audit back one month.

Vice Mayor Youngs asked if the recommendation from the auditors was to more closely monitor the Golf Course revenues and expenditures to achieve a goal of breaking even. He said that this had always been a general goal, but there were no specifics in this report.

Mr. Caballero stated that there had been some change to the Golf Course operation every year, which made it difficult to make comparisons from one year to the next. It was possible that the maintenance crew was under staffed last year and the salaries should have been higher compared to the contractual costs involved in maintaining the grounds. He explained that at least two years of consistent operations are needed in order to make a comparison and recommendations.

Vice Mayor Youngs asked what would be the effect of updating the accounting procedures manual, which would take time and resources.

Mr. Caballero responded that updating the manual would allow the opportunity to review every department in order to make sure that all controls are documented. They must test compliance with the manual and determine that duties are properly segregated within each department.

#### **4. Open Forum:**

##### **Thank You**

Robin Ramos of 1238 Ibis Avenue bid farewell to Councilman Garcia and Vice Mayor Youngs on their last Council meeting.

Ms. Ramos explained that Councilman Garcia came into her life with a goal to help autistic children. Her son Patrick was diagnosed with autism at age two and she spent many years driving around the county so that he could receive the necessary services. In the summer of 2006, Faith's Place was created in Miami Springs and local services became available. This local service was important to her since her father was dying of cancer and it allowed her to spend more time with him. For other families, the funding allowed their children to receive the therapies they desperately needed.

Ms. Ramos said that Councilman Garcia had been more than a Councilman to her and those families that need the therapy to help their children. He has not been touched by autism in any way, but he has spent countless hours helping more than 31 children by allowing them the opportunity to receive local therapy, and he even assisted with funding.

Ms. Ramos relayed a story about a local child that was non-verbal and whose family needed financial assistance and support. She said that there was joy over the child's speech development and the family can thank Councilman Garcia.

Ms. Ramos said that Councilman Garcia will be missed as a Council member and she hopes that he will continue his amazing work from the private sector. He has left a legacy of kindness, compassion and making a difference.

##### **Thank You**

Michael Gavila of 684 Morningside Drive thanked Councilman Garcia for all his hard work and for helping him and others.

##### **Fairway Drive**

Melida Peralta of 151 Fairway Drive, # 2303 said that she lives in a neighborhood that has been neglected by the City. She presented photographs of warehouses showing code violations, visible dumpsters, weathered paint, graffiti and deteriorating fences. She said that the residential side of Fairway Drive has an empty lot with a half demolished wall, dead trees and it is used as a dumping ground. There is no grass or landscaping in the swale along the street. She believes that enforcing the code and beautifying the area with landscaping would be very beneficial for the sixteen home owners, as well as people and tourists who use the bike path and stay at the hotels.

### **Thank You**

Nicholas Casariego of 500 Hunting Lodge Drive said that he would like to say a few words about Xavier Garcia who is the best Councilman ever. He, his friends and the kids in Miami Springs would like to thank him for his hard work and dedication.

Councilman Garcia's son, Xavier Jr., said that he will miss his dad being a Councilman because he has done a lot of hard work and he would like him to become Councilman again.

### **Code of Conduct**

Nery Owens of 332 Payne Drive stated that she will miss both Vice Mayor Rob Youngs and Councilman Xavier Garcia. She has watched many issues over the years, they have both grown quite well and she would like them to return to office some day.

Ms. Owens explained that she is appalled by the recent behavior of former Mayor J. C. "Chet" Fields at the podium. She felt that Mayor Bain should have stopped him and turned off the microphone. She would like Council to develop a process to stop the inappropriate behavior by hitting the gavel and escorting the offending person out of the room. She urged Council to either enforce the code of conduct or get rid of it.

### **5. Approval of Council Minutes: *(simultaneously approved)***

#### **5A) 03/03/2009 – Workshop Meeting**

Minutes of the March 3, 2009 Workshop Meeting were approved as written.

**Councilman Garcia moved the item. Councilman Best seconded the motion which was carried 5-0 on roll call vote.**

#### **5B) 03/09/2009 – Regular Meeting**

Minutes of the March 9, 2009 Regular Meeting were approved as written.

**Councilman Garcia moved the item. Councilman Best seconded the motion which was carried 5-0 on roll call vote.**

**6. Reports from Boards & Commissions:**

**6A) 02/05/2009 – General Employees' Retirement System – Minutes**

Minutes of the February 5, 2009 General Employees' Retirement System meeting were received for information without comment.

**6B) 02/05/2009 – Police Officers and Firefighters' Retirement System – Minutes**

Minutes of the February 5, 2009 Police Officers and Firefighters' Retirement System meeting were received for information without comment.

**6C) 02/24/2009 – Ecology Board – Minutes**

Minutes of the February 24, 2009 Ecology Board meeting were received for information without comment.

**6D) 03/10/2009 – Recreation Commission – Cancellation Notice**

Cancellation Notice of the March 10, 2009 Recreation Commission meeting was received for information without comment.

**6E) 03/11/2009 – Golf and Country Club Advisory Board – Cancellation Notice**

Cancellation Notice of the March 11, 2009 Golf and Country Club Advisory Board meeting was received for information without comment.

**6F) 03/19/2009 – Historic Preservation Board – Cancellation Notice**

Cancellation Notice of the March 19, 2009 Historic Preservation Board meeting was received for information without comment.

**7. Public Hearings:**

**7A) Public Hearing – Second Reading – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 32-91, Disability Advisory Board – Duties and Responsibilities, by Expanding the Jurisdiction of the Board to Require Other Related Duties and Responsibilities; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date (First Reading: 03/09/2009 – Advertised: 3/11/2009)**

City Attorney Jan K. Seiden read the ordinance by title.

Attorney Seiden stated that the intent of the ordinance is to comply with the settlement in the Americans with Disability Act (ADA) lawsuit. It also serves as a way for the City to be proactive in assisting its disabled citizens.

Mayor Bain opened the public hearing to those persons wishing to speak. There were no speakers, and the public hearing was closed.

**Councilman Best moved to adopt the ordinance on second reading. Councilman Garcia seconded the motion which was carried 5-0 on roll call vote (Ordinance No. 976-2009).**

**7B) Public Hearing – Resolution – A Resolution of the City Council of Miami Springs Approving the Transmission of the Proposed Public Education Facilities Element and Corresponding Comprehensive Plan Amendments for the City of Miami Springs Comprehensive Plan to the Florida Department of Community Affairs in Accordance with Florida Statutes Section 163.31777; Expressing the Intent of the City Council to Amend the Comprehensive Plan Based Upon Recommendations Contained in the Work Plan; Effective Date (Advertised: 3/12/2009)**

City Attorney Jan K. Seiden read the resolution by title.

Attorney Seiden suggested that the City Planner could make his presentation first and then the item could be opened for public hearing.

City Planner Ventura explained that the proposed Education Facilities Element was mandated by the State Legislature in 2005, with the intent of keeping educational facilities concurrent with new residential development. The Mellgren Planning Group prepared the draft element that is being presented to Council for review and approval prior to transmittal to the State of Florida Department of Community Affairs (DCA). The DCA will issue its objections, recommendations, and comments (ORC) report regarding the draft within 60 days and the document will again be presented to Council for formal adoption and final transmittal to the DCA.

City Attorney Seiden advised that this is still a preliminary phase and Council would be authorizing the proposed plan for transmittal.

Mayor Bain opened the public hearing to those persons wishing to speak. There were no speakers, and the public hearing was closed.

**Councilman Garcia moved to adopt the resolution. Councilman Dotson seconded the motion.**

Vice Mayor Youngs noted that many of the items in this resolution do not really apply to the City because it is built out and the schools are full. This is more of a blueprint that will be incorporated into each city's respective comprehensive plan.

Mayor Bain pointed out that the City needs more kids to come into the schools based on the population within the boundaries.

Vice Mayor Youngs said that it does concur with one of the goals to have the schools at 100% capacity.

City Attorney Seiden reminded Council they had approved an educational element towards the end of last year as mandated by the State of Florida, which was supposed to have been passed by the County and would have been applicable to all the municipalities in Miami-Dade County. He explained that the County failed to pass the resolution, so each City is now submitting its own proposal.

**The motion carried 5-0 on roll call vote (Resolution No. 2009-3439).**

*(Agenda Item 10A discussed at this time)*

**7C) Public Hearing – Resolution – A Resolution of the City Council of Miami Springs Approving, Adopting and Transmitting the City's Water Supply Facilities Work Plan and Corresponding Comprehensive Plan Amendments for the City of Miami Springs Comprehensive Plan to the Florida Department of Community Affairs in Accordance with Florida Statutes Section 163.3177 and 163.3187; Expressing the Intent of the City Council to Amend the Comprehensive Plan Based Upon the Work Plan and Corresponding Comprehensive Plan Amendments; Effective Date (Advertised: 3/12/2009)**

City Attorney Jan K. Seiden read the resolution by title.

City Planner Ventura stated that this resolution was identical to the one that Council reviewed at the February 9, 2009 meeting, but it was not advertised as a public hearing at that time.

Mayor Bain opened the public hearing to those persons wishing to speak. There were no speakers, and the public hearing was closed.

**Councilman Best moved to adopt the resolution. Vice Mayor Youngs seconded the motion**

which was carried 5-0 on roll call vote (Resolution No. 2009-3441).

**8. Consent Agenda:**

**8A) Recommendation that Council Approve a Change Order to Purchase Order No. 08-1018 in an Amount not to Exceed \$2,610.00, to the Mellgren Planning Group for Assistance with Updating the FY2010 – 2014 Capital Improvements Element of the City of Miami Springs Comprehensive Plan, Pursuant to Section 31.11 (E) (6) (g) of the City Code**

City Manager Borgmann explained that normally a purchase of this size is relegated to his authority; however, since the original purchase order was in excess of \$10,000 any changes to that purchase order require Council approval. He recommended that the change order be approved, as the Mellgren Planning Group has proved to be a valuable asset to the City in regards to the Comprehensive Plan.

In response to Mayor Bain's question, City Planner Ventura replied that the funds were available.

City Planner Ventura explained that the Comprehensive Plan amendment process is moving along and at this point they needed to update the Capital Improvements Element (CIE). The Administration decided that the best way to do this would be over the course of the upcoming budget preparation process. Since gathering and compiling all the requested information is extremely complicated, he requested help from the Mellgren Planning Group and the Florida International University Metropolitan Center in order to determine the status of each section of the plan. After a thorough review, he will request a courtesy review of all the amendments from the South Florida Regional Planning Center, with the understanding that the CIE portion will not be submitted until October of 2009.

City Attorney Seiden reiterated that this is a change order to an existing purchase order.

**Vice Mayor Youngs moved the item. Councilman Best seconded the motion which was carried 5-0 on roll call vote.**

**9. Old Business:**

**9A) Review of Link Construction's Re-design of New Community Center Based on the Board of Appeals Actions**

City Manager Borgmann explained that the Council packets contained graphics showing the basic changes made to the elevation of the building in order to meet the required 43 feet, 6 inch height limit.



Mr. Borgmann said that the packet also included a proposal outlining Phases I and II of the project, including placement of construction zones, ingress and egress for safety purposes, and other elevations as required by Council during the Board of Appeals hearing.

Orlando Ceballos, Project Manager with the Link Construction Group, stated that his company received a recommendation to adjust the building elevation after the Board of Appeals meeting adopted a 43 feet, 6 inch height limitation. The change affected one portion of the building and 75% remained intact because it was already under the proposed limit.

Mr. Ceballos explained that the new requirements were met without affecting any aspect of the building except aesthetics. The architectural features were reduced, making the building more square and they believed that with the other façade elements and the color, the building would maintain its integrity to the intent of the original proposal, including its use as an after-disaster shelter.

Mr. Ceballos stated that a proposal had been submitted for a temporary facility to begin some of the soil improvement procedures, which will be surrounded by a fence during the initial phase of the project. The second phase will entail demolishing the existing building and creating a new parking lot. Signs will be posted at the entrances and exits to prevent access to the site, and temporary facilities such as the construction trailer and portable toilets will be brought in. The intent is to minimize the impact to the existing parking lot area. In the event all the equipment does not fit into the designated space, they have requested the use of some space at the pool parking lot.

Mr. Ceballos advised Council that the drawings incorporated all the changes that were requested at the appeals meeting. He expects to submit the design back to the Fire Department within two weeks and previous comments from the initial review were addressed. The Miami-Dade Water and Sewer Department (WASA), the Department of Environmental Resources Management (DERM), the Fire Department and Building Official Reed are all aware of the changes that have been incorporated into the design. The company has requested an allowance from the City so that they can start preparing the soil and marking the underground utilities after the ground-breaking ceremony. Permitting should begin shortly after that.

City Attorney Seiden stated that a preliminary meeting had been held with Mr. Bill Sprague, who was chosen as the construction manager and the project will be on hold until a contract is signed, which is anticipated to happen shortly.

In response to Councilman Dotson's question, Mr. Ceballos replied that they were able to accommodate the duct work for the HVAC with a little engineering. The elevation changes did not affect the structural integrity of the building, but did affect the interior components. Spaces that contained duct work, cables, plumbing and electrical wires were redesigned and reengineered with the intent of maintaining the ceiling height for each floor.

Councilman Dotson said that he was under the impression that the building was never intended to be used for a shelter during a hurricane.

Mr. Ceballos said that the Request for Qualifications (RFQ) asked for an after-disaster shelter, which means that the structure itself and the roof can withstand Category five storm winds. It was not intended to make the City liable for housing people in the building during a storm or disaster, but to have a facility available with emergency power to possibly house people that are displaced afterwards.

City Manager Borgmann clarified that it was never intended to use the facility during a storm, especially after hearing a story about a similar structure that failed and had to be evacuated during a hurricane. He was not willing to put residents at risk, but should the structure ride out a major hurricane intact, he would consider using it to shelter anyone who did not feel safe in their own home.

Councilman Best asked if Link Construction was able to qualify under the 2003 NFPA guidelines, or if they had to comply with the 2007 edition.

Mr. Ceballos replied that the structure was submitted under the existing Building Code in December of 2008, the applicable Code would be the 2003 edition and the architect could provide more details.

Al Pereira of Rodriguez Pereira Architects explained that the new NFPA Code became effective on January 2, 2009, and since the plans were submitted in December they should be grandfathered in under the existing Code at the time. The differences between the two would not affect the overall envelope of the building, except for ingress and egress.

City Attorney Seiden stated that the changes were requested at the Board of Appeals meeting. At this point the variance has been granted, the design has changed and it has been reviewed by management. The contractor has stated in writing that they have complied with the requested changes and submitted plans which can be made part of the record. Council would need to make a motion to approve the project as amended.

Vice Mayor Youngs said that he appreciated Mr. Ceballos' presentation. He realized that the changes affected the aesthetic design of the building and that was a compromise that had to be made in order to reduce the height. He asked if Mr. Ceballos was still willing to go forward with the project.

Mr. Ceballos replied that the change did not affect him nearly as much as the architect. He was sorry to see the design change in concept, but in order to lessen the visual impact on the neighborhood it had to be done. He pointed out that 75% of the building remains the same. He noted that the air conditioning units had been moved and are completely shielded by another panel per Councilman Dotson's request. Having to move the air conditioning units also lessened the effect their sound might have on the theatre and he hoped that Council and management were happy with the changes.

Vice Mayor Youngs commented that at some point in time Council will have to deal with the issue

of a porte-cochere or similar structure over the front entrance; to add it now would interfere with existing structures. He asked if Link had any suggestions or ideas at this time.

Mr. Ceballos replied that time was spent trying to determine the best way to achieve the porte-cochere with the least amount of impact on the project. The concept has already been reviewed by the Building Department who advised that no variance would be needed and that it would comply with the requirements for a covered entry. He suggested that a covered entry and drop off area could be constructed on the west side of the building by extending the existing roof and this would also reduce the impact on the proposed parking lot.

City Attorney Seiden clarified that the motion would be to accept the letter, explanation and the revised drawings from Link Construction Group as proposed.

**Vice Mayor Youngs moved the item. Councilman Garcia seconded the motion which was carried 4-1 on roll call vote, with Councilman Dotson casting the dissenting vote.**

**9B) Appointments to Advisory Boards by the Mayor and Council Members**

None.

**10. New Business:**

**10A) Resolution – A Resolution of the City Council of the City of Miami Springs Revoking City of Miami Springs Resolution No. 2009-3430; Effective Date**

City Attorney Jan K. Seiden read the resolution by title.

City Attorney Seiden explained that this resolution is very similar to Item 7C on the agenda. Resolution No. 2009-3430 was not published for a public hearing and in an abundance of caution it will be cancelled, as it has been resubmitted and published.

**Councilman Best moved to adopt the resolution. Vice Mayor Youngs seconded the motion which was carried 5-0 on roll call vote (Resolution No. 2009-3440).**

**10B) Approval of GOB Grant Agreement – Construction of Recreational Complex/Multi-Purpose Facility**

City Manager Borgmann advised that they are at the point where they will have to start executing documents with the County to obtain the \$1.52 MM that was earmarked for the City of Miami Springs as part of the GOB bonds that were passed back in November of 2003 or 2004.

City Manager Borgmann explained that because of Commissioner Sosa's generosity the City will be receiving two additional grants of \$1MM each; those grants are included, so the total allocation in funding is not to exceed \$3.52MM. He explained that the City Attorney had reviewed the document.

City Attorney Seiden stated that the document follows the same format that the County uses for all GOB projects, and the City already signed one for the Curtiss Mansion (CMI) project. He noted that the contract with Link Construction stipulates that Link would have to comply with the provisions that were in this agreement when it came into existence.

**Councilman Best moved the item. Vice Mayor Youngs seconded the motion.**

Councilman Dotson pointed out a typographical error that referred to the Village of Pinecrest Florida.

**The motion passed 4 – 1 on roll call vote, with Councilman Dotson casting the dissenting vote.**

## **11. Other Business:**

None.

## **12. Reports & Recommendations:**

### **12A) City Attorney**

#### **Pending Lawsuit**

City Attorney Seiden stated that a Tampa attorney filed a class action lawsuit against the City of Tampa. It challenges the ability of local governments, municipalities and counties to levy occupational license taxes on attorneys based upon the theory that it is an unconstitutional restriction and tax on the regulation to practice law. The attorneys for the City of Tampa and Hillsboro County have filed a recent motion asking that the class be decertified and/or an opt out provision be provided so that other counties and municipalities within the other counties could opt out.

There are certain Home Rule venue issues and theoretically any plaintiff can file a lawsuit with each of the sixty-seven counties. This Attorney has filed a class action suit. The City of Tampa does not feel it is their responsibility to deal on behalf of everyone else. A number of local city and county attorneys in Miami-Dade County have met to discuss the issue because they will be impacted and they are trying to determine a united front on how to handle this matter. The most compelling or the most damaging part of the argument related to any of the governments is that if the plaintiff is successful, the court could award a reimbursement of all amounts collected since 1999 to the various attorneys.

Attorney Seiden explained that the court could also award attorney's fees and costs against the various counties and cities. Weiss Serota is a law firm in Miami-Dade County that represents many municipalities and they are proposing on behalf all the municipalities to file a limited and special appearance to only contest the area of venue and jurisdiction should the counties be able to opt out or decertified out of the class.

Attorney Seiden explained that Weiss Serota is asking anyone interested to provide them with a \$1,500 retainer to take on the representation of all the cities in Miami-Dade County only for that limited action. His recommendation is not to do it because he does not feel the amount of money that Miami Springs collected for attorney occupational licenses would be more than \$500.00. Also, by not participating, the City would not be responsible for attorney's fees. The City is better off not being involved in the lawsuit; it really concerns the City of Miami, Miami-Dade County, Hialeah, Coral Gables, Miami Beach, etc. Their occupational licenses are much higher and there is a tremendous amount of lawyers in the other areas. If they are successful, the City will piggy-back on the result anyway.

## **Elected Officials**

City Attorney Seiden stated that he has enjoyed the relationship with the outgoing Council members and he wishes them all the best.

## **12B) City Manager**

### **Annexation Brochure**

City Manager Borgmann distributed copies of a series of e-mail correspondence that was sent back and forth from The Corradino Group. When Mr. Corradino made his presentation, there was a difference of opinion regarding the total taxable value of the annexation area. Mr. Corradino's original estimate was \$763,582,242 and his new estimate is \$908,030,595. The City's estimate was \$910,298,679, which was originally larger because it included some of the taxable personal property, which Mr. Corradino left out of his analysis. The new estimate of \$908,030,595 changes the surplus to \$3.2MM. He asked Council if he should change the annexation brochure, which has not yet been printed.

Council **agreed** that the brochure should reflect the new estimate of \$3.2MM in both places.

## **B. W. Sprague Contract**

City Manager Borgmann reported that negotiations began with Mr. Sprague of B. W. Sprague, Inc. The attorney that reviewed the A1A contract for Link was asked to review the contract, which should have a successful conclusion.

## **Candidate's Forum**

City Manager Borgmann received a videotape of the Candidate's Forum, which can begin airing on Wednesday, March 25<sup>th</sup> if Council would prefer to hold the airing of the March 23, 2009 Regular Meeting.

Councilman Garcia asked if there is a limited amount of time to play the videos.

The City Manager responded that the airing of videos can be set at different times and perhaps COMCAST could air both, but at different times, or back to back.

Council **agreed** to air the Council meeting and the Candidate's Forum back to back.

### **Groundbreaking Ceremony**

City Manager Borgmann reminded everyone of the Community Center Groundbreaking Ceremony at the Recreation Center on Thursday, March 26<sup>th</sup> at 7:00 p.m. Everyone is invited to join the festivities, which include Pastor Schmidt offering the invocation, Commissioner Sosa presenting a ceremonial check and the Mayor and Council in attendance. The Miami Springs Senior High School band has offered to play and hotdogs will be served.

### **City Council**

City Manager Borgmann said that it is always interesting to deal with elected officials. Every Council is different and each one brings special personalities to the dais. He has enjoyed working with both Councilman Garcia and Vice Mayor Youngs and was always willing to take their calls. He said that it will be interesting to see if either one returns and runs for office in two years because either one would be a valued addition to a future Council.

### **Special Meeting**

City Manager Borgmann announced that he may have to call a short Special meeting between now and election day to consider the bid for the Senior Center ceiling, floor leveling and tiling. The Curtiss Mansion bids are also in and he may ask Council to be the final decision makers for both these projects.

## **12C) City Council**

### **City Council**

Councilman Best stated that it had been an extreme pleasure conducting business for the City and the people of the town. The current Council can claim many accomplishments. He wished Vice Mayor Youngs and Councilman Garcia the best of everything.

## **Pelican Playhouse**

Councilman Best announced that the second week of the Pelican Playhouse production is coming up on Thursday, March 26<sup>th</sup> and will run on Friday, Saturday and Sunday. The Artistic Director moved the Thursday night production back to 8:00 p.m. so that the entire cast can join the Community Center Ground breaking.

## **Special Meeting**

Councilman Best asked the City Manager to schedule the date for the Special Meeting around his schedule because he will be in Tallahassee on Wednesday, and Thursday April 1<sup>st</sup> and 2<sup>nd</sup> for the Dade County Legislative Days and he would like to attend the meeting.

## **Congratulations**

Councilman Dotson stated that it was nice to see Councilman Garcia honored for his work in autism and the heartfelt appreciation that was shown to him that was obviously well earned and deserved. He congratulated him for his work and sensitivity to the children with special needs.

## **Appreciation**

Councilman Dotson agreed that Council has had differences regarding policies and decisions. He has never taken anything personal and he appreciates every Council member and wishes them good luck in everything they do.

## **Thank You**

Vice Mayor Youngs said that he has worked for the last eight years with Council and he is thankful for having the privilege of serving with them. He thanked City Manager Borgmann and Assistant City Manager Gorland for their efforts and support. He has great confidence in their work and appreciates it very much.

Vice Mayor Youngs extended his appreciation to City Attorney Jan Seiden and City Clerk Magalí Valls for their service to the City. He complimented the City Clerk because she takes the work at hand and makes it enjoyable. He said the City Clerk is a wonderful classy person and a true professional.

Vice Mayor Youngs said that he appreciated every courtesy extended to him from Councilman Dotson, Councilman Garcia, Councilman Best and Mayor Bain. In the past four years he has learned a sense of what it is like to have disagreements and come together after working out difficult situations.

Vice Mayor Youngs felt that Council accomplished a lot and progress was made. It is a great

testimony in government work to move the ball forward and proceed ahead. He appreciates the disagreements and the fact that Council developed a dynamic when they could disagree and respect each other. He will remember each Council member with both pride and gratitude.

## **Thank You**

Councilman Garcia said that he was having a hard time summing up his term in office as an elected official and his neighbor helped with the words “bitter sweet”. He thanked God, his wife, his family, his friends and his children for keeping him grounded and reminding him that he is “Super Dad”.

Councilman Garcia said that he has watched the community and his family grow over the years and he has a true passion and pride for Miami Springs, which is home to him.

Councilman Garcia said that it has been a struggle for him to be the Council person that he wanted to be, which was harder than he expected, but he would do it all over again because of the impact that he has made on the residents and the lives that he has touched and affected. He has tried hard to be a good public servant and leader in the community to serve the residents to the best of his ability.

Councilman Garcia stated that his efforts, accomplishments and hard work did not come easy and he could not have done it alone without the Administration. He has never seen a group of people with their heads held high who always seem to succeed and are satisfied with the work they do.

Councilman Garcia complimented City Manager Borgmann for his incredible management skills, his passion for the community and his accomplishments. He knows that it is a thankless job to be a Council member, but it is nothing in comparison with what the City Manager does. He thanked him on behalf of his family and the residents of Miami Springs. He will come back to support Mr. Borgmann with a vote of confidence if he continues his excellent work, as well as let him know if he has a difference of opinion.

Councilman Garcia stated that Assistant City Manager Gorland has lived in the community for many years and still manages to be a business minded person in making his decisions. He is a wonderful guy who is passionate about the community.

Councilman Garcia thanked City Attorney Seiden for keeping Council out of trouble. He appreciates the fact that he does the best he can for the City. It has been an honor and privilege serving with him.

Councilman Garcia said that City Clerk Magali Valls had made his job a lot easier. Mayor Bain calls her the Mayor; people do not realize how hard her job is and he wants to publicly thank her for her work and dedication through all the tribulations she has gone through personally. He is humbled and honored for having the opportunity to serve with her.

Councilman Garcia stated that the City has a stellar Police Department with stellar services that



everyone can be proud of. Former Chief of Police H. Randall Dilling did a good job, but he retired and now the City is blessed with wonderful Chief Peter G. Baan who has increased morale and restructured the operation. He leads by example and as long as this continues, Miami Springs will continue to be a wonderful community. He thanked Chief Baan and the Police Department Staff for keeping the residents safe and for their dedication to the community.

Councilman Garcia complimented Finance Director Leacroft Robinson for doing a wonderful job and for providing Council with all the necessary information. He said that Mr. Robinson had big shoes to fill after former Finance Director William Alonso left.

Councilman Garcia thanked Public Works Director Robert Williams for doing a wonderful job and handling problems first hand, while other department heads in that position relied on their Administrative Staff. He said that Robert always rights the wrongs and he is not afraid to take responsibility when something goes wrong. He explained that the Administration had confidence in Robert as Public Works Director, he accepted the opportunity, continued his education and his hard work is appreciated.

Councilman Garcia stated that the Recreation Department is wonderful and continues to improve every day and the Community Center is progressing. He thanked the entire Staff, including Patti Bradley, Noel Acosta and Katherine Anderson who are doing a wonderful job.

Councilman Garcia thanked all his board member appointees that make his job easier; no one understands what is involved in being an elected official and the board members who volunteer their time do a wonderful job.

Councilman Garcia acknowledged Tom Curtis of the River Cities Gazette for keeping everyone informed and doing a wonderful job. He said that Tom has always been very fair about what he prints in the paper.

Councilman Garcia stated that he received help from many people in the community, including former Mayors John A. Cavalier, Jr. and Richard Wheeler, and CMI President Jo Ellen Phillips. He said that one person in particular was a great help to him and that person is Jack Odin who always spoke his mind and was an inspiration.

Councilman Garcia mentioned all the wonderful clubs and organizations, including the Optimist Club, Women's Club, Rotary Club and the Chamber of Commerce.

Councilman Garcia thanked Councilman Best for being the person he is and a Thespian, which is always entertaining at the dais and within the community. He thanked him for his service and his patriotism.

Councilman Garcia said that he appreciates Councilman Dotson's hard work regardless of whether

or not there are differences of opinion because he does what he feels is in the best interest of the citizens, which is respected.

Councilman Garcia thanked Vice Mayor Youngs for appointing him to the Code Enforcement Board, which was a stepping stone to holding public office. He loves serving his community and being a true public servant. He said that Vice Mayor Youngs works behind the scenes doing a wonderful job and a true barometer of this fact is that he ran unopposed for one term and people love him. It has been an honor having him as a friend and a fellow Councilman.

Councilman Garcia said that Mayor Bain has become a leader and a teacher over the last six years and a true public servant. Anyone can be elected to office, but it is not easy to serve the public and Mayor Bain has done this with honesty, integrity and respect. He is honored, privileged and blessed to have served with him for the last four years and he has watched him grow to be someone who really works hard for the community. His family and the residents of Miami Springs also thank him for his service and love for the community.

### **Thank You**

Mayor Bain stated that over the last four years this Council was the most candid, straight forward, and straight talking in the Sunshine that he has ever seen. The budget debates and debates about other differences were all discussed at the dais. He appreciates the fact that each Council member helped him to accomplish his goals for the future.

Mayor Bain mentioned that the Candidate's Forum was difficult for all Council members, but if someone watched what happened over the last four years they will see honesty, progression, and working to do the best job.

Mayor Bain thanked City Clerk Magali Valls who has been special to him on a personal level. He considers her a friend and someone he can always go to for anything he needs or wants, which she does for everyone in the City.

Mayor Bain complimented City Attorney Seiden for being a true professional who keeps the City legally straight. He is not afraid to be tough and he handles his job well.

Mayor Bain stated that it is easy to criticize the City Manager, but people do not understand what he goes through. It is even difficult to have a conversation with him because he is constantly receiving calls and e-mails, but he handles it well. The City Manager is a tough individual and he commends him for it.

Mayor Bain said that Assistant City Manager Gorland extends himself throughout the City and helps in all aspects. He communicates with the public, which is something he has always wanted for the City.

Mayor Bain felt that he had accomplished as much possible and he would like the opportunity to do better. He received a remarkable education from serving as Mayor and he sometimes wonder if he should have practiced law after dealing with the City Attorney. He has learned more about Building and Zoning as well as how to speak in front of people and he would like to continue serving as the Mayor of Miami Springs.

**13. Adjourn.**

There being no further business to be discussed the meeting was adjourned at 9:35 p.m.

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Billy Bain  
Mayor

**ATTEST:**

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Magalí Valls, CMC  
City Clerk

Approved as written during meeting of: 4/13/2009

Transcription assistance provided by S. Hitafter and M. Newton